



Response under 37 C.F.R. § 1.116 Expedited Procedure Examining Group 2652

PATENT

ATTORNEY DOCKET NO.: 041514-5114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Mitsuru SATO et al.) Confirmation No.: 4674
Application No.: 09/813,898) Group Art Unit: 2652
Filed: March 22, 2001) Examiner: P. Agustin
For: TRACKING SERVO APPARATUS OF OPTICAL INFORMATION RECORDING AND REPRODUCING APPARATUS) Mail Stop AF)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop AF**Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated June 2, 2004 finally rejecting claims 1 and 2.

12/02/2004 HDEMESS1 00000031 500310 09813898

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ATTORNEY DOCKET NO.: 048879-5001

Application No.: 09/476,210

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1.	Extension	ot i	lime

	Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant ha inadvertently overlooked the need for a petition and fee for extension of time.			
\boxtimes	Applicant requests an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:			
	Total Months	Fee for	[Fee for Small	
	Requested	Extension	Entity]	
	one month	\$ 110.00	\$ 55.00	
	two months	\$ 430.00	\$ 215.00	
	igstyle igstyle igstyle three months	\$ 980.00	\$ 490.00	
	four months	\$ 1,530.00	\$ 765.00	
\boxtimes	Please charge Deposit Account No. 50-0310 in the amount of \$980.00 for the three-month extension of time fee.			
	If an additional exte therefor.	nsion of time is rec	uired, please consider this a Petitic	n
Notic	e of Appeal Fee - 37 (C.F.R. § 1.17(b)		
\boxtimes	The Commissioner Account No. 50-031		rge the appeal fee of \$340.00 to De	eposit

The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of \$1,320.00 (for the three-month extension of time fee in the amount of

\$980 and for the Notice of Appeal fee of \$340).

2.

3.

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5. Constructive Petition

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 1, 2004

By:

Victoria D. Hao

Registration No. 47,630

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